

Appl. No. 10/811,918
Amendment dated September 5, 2006
Reply to Office Action of May 15, 2005

REMARKS

In the May 15, 2006 Office Action, claims 1-9 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 15, 2006 Office Action, Applicants have amended claims 1 and 8 to clarify the invention. Further, Applicants have added claims 10-18. Thus, claims 1-18 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

On pages 2 and 3 of the Office Action, claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0175037 (Wack et al.). Further, page 4 of the Office Action, claims 1-7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0175037 (Wack et al.) in view of U.S. Patent No. 6,024,195 (Hinkel). In response, Applicants have amended claims 1 and 8 to define clearly the present invention over the prior art of record.

Specifically, on page 4 of the Office Action, claim 1 stands rejected in view of the combination of Wack et al. and Hinkel. Claim 1 has been amended to recite an elastic coupling mechanism that is arranged at an outer peripheral portion of the turbine and the piston to couple the turbine and the piston. Further, claim 8 has been amended to depend on claim 1. As seen in the Figure disclosed by Wack et al., Wack et al. disclose an elastic coupling mechanism 60 arranged beside the piston and at a midpoint of the piston, and fail to

disclose or to suggest an elastic coupling mechanism that is arranged at an outer peripheral portion of the turbine and the piston to couple the turbine and the piston as recited in claim 1.

Further, it is stated in the Office Action that Wack et al. do not disclose a flat portion of the piston extending from an innermost peripheral edge of the piston, but Hinkel does. Applicants respectfully assert that the Wack et al. torque converter and the Hinkel piston are not properly combinable because the intended function of the Wack et al. torque converter, i.e. provide a space for the damper 60, would be destroyed. Further, Applicants respectfully assert that Wack et al. teach away from using a piston like the one disclosed by Hinkel.

Specifically, as seen in the Figure of Wack et al., Wack et al. disclose the use of a hub disk 23 to provide ***high strength and dimensional accuracy with a minimum amount of material*** (see paragraph [0009] of Wack et al.). Applicants respectfully assert that changing the shape of the piston 40 would change the position of the axial stop 44, which would alter the dimensional accuracy of the whole torque converter increasing the amount of material, thus destroying the intended function of the design.

Referring to paragraph [0022] of Wack et al., Applicants respectfully assert that Wack et al. teach the use of a piston 40 with an axial projection 39 that contacts the axial stop 44. Applicants respectfully assert that Wack et al. teach that the axial stop 44 must be radially ***centered*** on the hub disk 23 (see paragraph [0024] of Wack et al.) because of the structure of the axial support 98 that supports the axial stop 44. Applicants respectfully assert that if the position of the axial stop 44 of Wack et al. were moved closer to the axis of rotation the buttress like effect that appears to strengthen the Wack et al. piston 40 would be weakened, in contrast to the objective of the invention. Further, the dimensional accuracy would be changed. Moreover, it would require a redesigning of the axial support 98 that would make

the required centering impossible in contrast to the dimensional accuracy objective of the invention.

As stated, Applicant also respectfully asserts that Wack et al. teach the use of a damper 60 arranged at a radially middle area of the piston 40 so that it can attach to the hub disk 23. In contrast, as seen in Figure 3 of Hinkel, Hinkel teaches away from this type of arrangement and teaches the use of a damper 66 at a radially outer area on its relatively straight piston 28.

Claim 8

Claim 8 has been amended to depend on claim 1, thus Applicants believe that claim 8 is allowable for the reasons stated above. Further, claim 8 recites that the axial position of the axial end of the cylindrical portion is in axial alignment with an axial engine side surface of the turbine hub. It is stated on page 3 of the Office Action that Wack et al. do not disclose this feature, but that the specification does not appear to disclose any particular purpose of or any particular problem solved by this feature, and that it appears that the Wack et al. piston would perform equally well. Applicant respectfully disagrees.

Specifically, the dimensional relationships as claimed, as well as the structural limitations as claimed, are particularly suited for the torque converter in accordance with the present invention.

More specifically, it is well settled in U.S. patent law that Applicants are not required to show a solution to a stated problem or particular purpose for individual claim features in order to avoid obviousness rejections. Rather, the burden is on the U.S. Patent Office to establish a *prima facie* case of obviousness based upon the prior art. This burden can be met only by showing objective teachings in the prior art, and by showing some suggestion or motivation in the prior art to combine the objective teachings to result in the claimed

Appl. No. 10/811,918
Amendment dated September 5, 2006
Reply to Office Action of May 15, 2005

invention. *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992), *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988), and *In re Deuel*, 34 USPQ 2d 1210, 1214 (Fed. Cir. 1995). In this case, the prior art fails to teach, and the Office Action states as much on page 3, or to suggest the dimensional relationships required by claim 8 of the present application. Thus, in this case, Applicants respectfully assert that the burden for a case of obviousness has not been met.

Clearly this arrangement is **not** disclosed or suggested by the Wack et al. publication, Hinkel patent, or any other prior art of record alone or in combination. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art **suggests** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a torque transmitting device.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that it depends from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claim is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in the independent claim, the prior art of record also fails to disclose or suggest the invention as set forth in the dependent claim.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments.

New Claims 10-18

Applicants have added claims 10-18, which ultimately depend on claim 1. Applicants believe that claims 10-17 are allowable for the reasons stated above, and are further allowable

Appl. No. 10/811,918
Amendment dated September 5, 2006
Reply to Office Action of May 15, 2005

because they include additional limitations. Examination and consideration are respectfully requested.

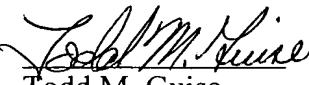
Prior Art Citation

In the Office Action, an additional prior art reference was made of record. Applicants believe that this reference does not render the claimed invention obvious.

* * *

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-18 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



Todd M. Guise
Reg. No. 46,748

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: 9/5/06
G:\06-JUN06\MLB\ED-US030239 Amendment.doc